IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.GIRI

THURSDAY, THE 27TH SEPTEMBER 2007 / 5TH ASWINA 1929

Con.Case(C).No. 1361 of 2006(S)

(JUDGEMENT IN W.P.(C).NO.29134/2003 DTD. 13/02/2006)

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PETITIONERS/PETITIONERS IN W.P:

1. **DR.T.T.KRISHNAKUMAR, AGED 47, S/O.THAMPAN T.K., SENIOR MEDICAL OFFICER (SPEICALIST), GOVT. AYURVEDA VISHA VAIDYA DISPENSARY, MARADU, ERNAKULAM.**
2. **DR.O.SREENIVASAN, AGED 51, S/O.LATE O.VELAYUDHAN, SENIOR MEDICAL OFFICER (SPECIALIST), GOVT. VISHA VAIDYA HOSPITAL, WADAKKANCHERRY, THRISSUR.**

BY ADV. SRI.N.SUGATHAN, SMT.VARSHA BHASKAR.

RESPONDENTS/RESPONDENTS 1 AND 2 IN W.P:

1. **DR.VISWAS MEHTA, (FATHER'S NAME AND AGE NOT KNOWN TO THE PETITIONER), SECRETARY TO GOVERNMENT HEALTH & FAMILY WELFARE DEPARTMENT AND CONVENER, DEPARTMENTAL PROMOTION COMMITTEE (HIGHER) FOR INDIAN SYSTEMS OF MEDICINE DEPARTMENT, SECRETARIAT, THIRUVANANTHAPURAM.**
2. **DR.R.RAMABHADRAN, (FATHER'S NAME AND AGE NOT KNOWN TO THE PETITIONER) DIRECTOR OF INDIAN SYSTEMS OF MEDICINE, THIRUVANANTHAPURAM.**

BY GOVERNMENT PLEADER SRI. NANDAKUMAR.

THIS CONTEMPT OF COURT CASE (CIVIL) HAVING BEEN FINALLY HEARD ON 27/09/2007,THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

V.GIRI,J.

COC No.1361 of 2006

Dated this the 27th day of September, 2007

JUDGMENT

In Annexure-IV judgment dated 13.2.2006, this Court inter alia set aside Ext.P3 select list for the year 2003, relating to promotion to the post of Chief Medical Officer (Ayurveda). Further directions were also issued whereby the respondents were required to prepare a fresh select list and it was also held that the petitioners will be entitled to all consequential benefits in accordance with law. It was further directed that the petitioner shall be provisionally promoted as Chief Medical Officer (Ayurveda) against the next arising vacancy.

2. Though not within the time frame contemplated in Annexure IV judgment, the direction has been complied with as per Annexure R1(a) Order dated 14.11.2006. Subsequently, revised select list was also published as per Annexure-IX and the petitioner has also been promoted as a Chief Medical Officer (Ayurveda). Select list now published is in confirmity with the directions issued in Annexure-V judgment. As to the consequential benefits contemplated therein, the petitioner has also been given consequential promotion with retrospective effect from 13.5.2002, as evidenced by Annexure-X.

3. In the circumstances, the direction for revision of the select list for

consequential promotion of the petitioner with retrospective effect has been complied with.

4. As to the monitory benefits due to the petitioner, consequent upon the promotion effected as per Annexure-X, it is up to the petitioner to move the appropriate authority for the same. In view of Annexure-R1(a) and Annexure-X, I am of the view that the contempt proceedings need not be proceeded further. The Contempt Case is, therefore, dismissed reserving the liberty of the petitioner to take appropriate action, as mentioned above.

V.GIRI, JUDGE

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